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DOL/ILAB T FOR TINA MCCARTER
DRL/ILCSR FOR TU DANG

E.O. 12958

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SUBJECT: SWAZILAND: UPDATE ON WORST FORMS OF CHILD LABOR IN
SWAZILAND

REF: 08 STATE 00127448

1A. LAWS AND REGULATIONS PROSCRIBING THE WORST FORMS OF CHILD
LABOR

The Employment Act of 1980 regulates child labor in Swaziland. The country has three age categories: a child is under 15, a young person is 15-17, and an adult is 18 and over. The Employment Act of 1980 stipulates 15 years old as the minimum age for admission to commercial work. The act states that no one under 18 may be employed at night in any undertaking, except for the purposes of apprenticeship or vocational training approved by the Minister responsible for labor. Employment of a child and a young person in places where alcohol is sold, places where their morals may be impaired, and in dangerous or unhealthy places, is prohibited. Forced labor, defined as any involuntary work or services carried out under threat of penalty, is also prohibited, but this excludes compulsory military work in terms of military law, work done in cases of emergency, and communal service work done for the benefit of the community.

No laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography.

The Employment Act does not address or specify what types of work are considered to be worst forms of child labor.

The minimum age for military recruitment is 18 years.

Swaziland has ratified ILO Convention 182, but has not developed a list of occupations considered to be worst forms of child labor practices as called for in Article 4 of the Convention.

1B. REGULATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF PROSCRIPTIONS
AGAINST THE WORST FORMS OF CHILD LABOR

Government agencies use standard criminal laws to prosecute matters related to child labor and worst forms of labor practices. The courts have discretionary powers in deciding what remedies or penalties to be imposed in respect to Employment Act violations.

The Labor Department has no special resources devoted to investigations related to the worst forms of child labor.

No officials are specifically designated to deal with child labor issues. The GKOS has a small inspection team, responsible for all aspects of labor violations, leaving the office with little resources to devote to child labor investigations and worst forms of child labor.

No police officers or other law enforcement officials are dedicated to deal with worst forms of child labor issues.

In the past year no cases of child labor or worst forms of child labor were investigated.

The Labor Department's Program Advisory Committee on Child Labor is devoted to developing a policy to address child labor and the worst forms of child labor. The committee was created as part of two U.S. Department of Labor (USDOL) funded programs, through the International Labor Organization's International Program on the

Elimination of Child Labor (ILO/IPEC): the Time-Bound Program to Eliminate the Worst Forms of Child Labor (TECL) and the Southern Africa regional child labor project Reducing Exploitive Child Labor through Education in Southern Africa (RECLISA). Both programs included awareness raising and training activities. Meetings were held in various constituencies countrywide with the community leaders, including chiefs, sensitizing communities about worst forms of child labor. Both programs ended in June 2008.

1C. SOCIAL PROGRAMS SPECIFICALLY DESIGNED TO PREVENT AND WITHDRAW CHILDREN FROM THE WORST FORMS OF CHILD LABOR

The RECLISA program was designed to prevent and withdraw children from the worst forms of child labor. All children that were previously funded by the USDOL are now fully sponsored by the government of Swaziland.

1D. COMPREHENSIVE POLICY AIMED AT THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR

There is no comprehensive policy. The TECL and RECLISA program created a draft Action Program of the Elimination of Child Labor (APEC). It has not been presented to cabinet for approval.

Child labor is not specifically incorporated into social policies.

The constitution mandates free primary education by 2009, but the government has postponed it for budgetary reasons to 2010. The Ministry of Education does provide free textbooks at the primary school level and it receives an annual budget allocation to pay school fees for orphan and vulnerable children in primary and high school, but schools complain that not all the funds reach them as planned.

Education is not compulsory in law or in practice.

1E. COUNTRY'S CONTINUAL PROGRESS TOWARDS ELIMINATING THE WORST FORMS OF CHILD LABOR

In the rural areas, child labor is mostly employed in the agricultural and forestry industries, in the planting and cutting of sugar cane, cotton picking and boys herding livestock. In urban areas, girls are employed primarily in the domestic industry, where they serve as babysitters and housekeepers while parents are at work. This has not changed over the past year.

1F. SOURCES

The results of the TECL study, the RECLISA study, and the draft APEC have not been made publicly available. Post would welcome closer communication from USDOL and ILO/IPEC in order to be informed of the impact of programs conducted in Swaziland, and areas where we might be of assistance.

PARKER